

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KOHCHISE JACKSON,

Plaintiff,

v

Case No. 2:19-cv-13382

Hon. Terrence G. Berg

MJ Patricia T. Morris

CORIZON HEALTH, Inc.,

a Delaware corporation.,

PRIME HEALTHCARE SERVICES – PORT HURON, LLC,

a Delaware limited liability company,

KEITH PAPENDICK,

COLLEEN MARIE SPENCER, and

DAVID A. KRAUS*,

* Dismissed (ECF No. 32, PageID.630)

Defendants.

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**RESPONSES TO PLAINTIFFS' FIRST DISCOVERY REQUESTS TO
DEFENDANT PRIME HEALTHCARE SERVICES -PORT HURON LLC**

NOW COMES defendant, PRIME HEALTHCARE SERVICES – PORT HURON, LLC,
by and through its attorneys, CORBET, SHAW, ESSAD & BONASSO, P.L.L.C., and for their
answer thereto, or to so much as it is necessary or material for them to answer, and pursuant to
Fed. R. Civ. P. 33 and 34 say:

INTERROGATORY

1) You asserted in your answer to Plaintiffs' Complaint that Defendant Spencer:

"does not have authority to grant or deny a surgery. This is beyond the scope of her authority. She documented what she was told."

What individual(s) do you contend is(were) responsible for denying Mr. Jackson a colostomy reversal surgery while he was in the St. Clair County jail? Please identify such individual(s) by their name(s), title(s), address(es), phone number(s), and email address(es).

ANSWER: Objection to form and foundation. Without waiver of said objections, discovery is just beginning and defendants have not been provided with Kohchise Jackson's detention records, medical records and other records from the St. Clair County Jail. Defendant cannot determine this until it has received plaintiff's jail records and other discovery. Defense counsel has requested a record release authorization from plaintiff to allow the parties to obtain the jail records.

REQUESTS FOR PRODUCTION

1. Please produce any and all medical records of Kohchise Jackson, including charts, reports, daily logs, progress notes, and all written or electronic communications, email chains, messenger conversations, or records that meet all three of the following criteria:
 - a) the item concerns the medical care, medical condition, diagnosis, or treatment of Kohchise Jackson;
 - b) the item, or a portion of the item if it is an email chain or electronic messaging service conversation, was transmitted, received, or created by a Prime Healthcare employee or contractor;
 - c) the item, or a portion of the item if it is an email chain or electronic messaging service conversation, was transmitted, received or created between the dates of May 17, 2016 and July 31, 2019, inclusive.

RESPONSE: Objection to form and foundation. Without waiver of said objections and upon information and belief, the above requested medical records and other information regarding Kohchise Jackson are in the possession of the St. Clair County Jail. Defendants are not in possession of these records. Defense counsel has requested a record release authorization from plaintiff to allow the parties to obtain these records. To the extent that this request seeks medical records for treatment that occurred at Lake Huron Medical Center, upon information and belief, plaintiff is already in possession of these records. If

this is inaccurate, please let defense counsel know and we will arrange for production of plaintiff's records from Lake Huron Medical Center.

2. Please produce any email chains or other electronic messaging service conversations that meet all of the following criteria:
 - a) At least one message was sent between May 17, 2016 and July 31, 2017, inclusive;
 - b) At least one of the following individuals was a sender or recipient of at least one of the messages in the email chain or conversation: Defendant Colleen Spencer, Derik Evenson NP, David Kraus D.O., Erina Kansakar M.D.
 - c) At least one message pertains to surgery(s) for detainee(s) at the St. Clair County jail.

RESPONSE: Objection to form and foundation. Without waiver of said objections and upon information and belief, to the extent any such record exists, the above requested information regarding Kohchise Jackson are in the possession of the St. Clair County Jail. Defendants are not in possession of these records. Defense counsel has requested a record release authorization from plaintiff to allow the parties to obtain these records.

3. Please produce a complete copy of any written or electronic training and/or orientation materials that you provided to any individuals identified in response to Interrogatory 1.

RESPONSE: Objection to form, foundation and relevance. See response to Interrogatory 1. Without waiver of said objections and upon information and belief, to the extent that any such record exists, the information would be in the possession of the St. Clair County Jail. The jail may have training and/or orientation materials regarding security and/or procedures for working in a jail.

4. Please produce a complete copy of any written or electronic training and/or orientation materials that you provided to Defendant Colleen Spencer.

RESPONSE: Objection to form, foundation and relevance. Without waiver of said objections and upon information and belief, to the extent that any such record exists, the information would be in the possession of the St. Clair County Jail. The jail may have training and/or orientation materials regarding security and/or procedures for working in a jail.

5. Please produce any document(s) enumerating, detailing, or explaining the job description and/or job duties of Colleen Spencer in any positions that she held between May 16, 2016 and March 27, 2017 and of any individuals identified in response to Interrogatory 1 for any positions those individual(s) held between May 16, 2016 and March 27, 2017.

RESPONSE: Objection to form, foundation and relevance. Without waiver of said objections, defendant is checking to see if it is in possession of responsive information.

6. Please produce any document(s) enumerating, detailing, or explaining any criteria, metrics, and/or performance indicators used to assess employee job performance in any individuals identified in response to Interrogatory 1 that were in effect for calendar years 2016 and 2017.

RESPONSE: Objection to form, foundation and relevance. See response to Interrogatory 1.

7. Please produce any document(s) enumerating, detailing, or explaining any criteria, metrics, and/or performance indicators used to assess Defendant Colleen Spencer's job performance for calendar years 2016 and 2017.

RESPONSE: Objection to form, foundation and relevance. Without waiver of said objections, defendant is checking to see if it is in possession of responsive information.

8. Please produce any cost control or utilization management policies, procedures, or manuals that were in effect between May 16, 2016 and March 27, 2017 and applied to healthcare services provided to detainees at the St. Clair County jail.

RESPONSE: Objection to form and foundation. Without waiver of said objections and upon information and belief, to the extent that any such record exists, the information sought in this request is in the possession of the St. Clair County Jail.

9. Please produce any contract(s), including any riders and addenda, that were in effect between you and any municipal entity between May 16, 2016 and March 27, 2017 that pertain to the provision of healthcare services to detainees in the St. Clair County jail.

RESPONSE: Objection to form, foundation and relevance. Without waiver of said objections, all relevant/responsive contracts will be provided under an appropriate protective order.

10. Please produce all documents, including but not limited to correspondence, clinical pathways, policies, directives, medical records, utilization management protocols, etc. reviewed or relied on in making the decision to postpone or cancel Plaintiff's colostomy reversal surgery, by the individual(s) that you contend made the decision to postpone or cancel Plaintiffs' colostomy reversal surgery.

RESPONSE: Objection to form and foundation. Without waiver of said objections and upon information and belief, to the extent any such record exists, the above requested information regarding Kohchise Jackson are in the possession of the St. Clair County Jail. Defendants are not in possession of these records. Defense counsel has requested a record release authorization from plaintiff to allow the parties to obtain these records.

Respectfully submitted,

**CORBET, SHAW, ESSAD
& BONASSO, P.L.L.C.**

/s/ Kenneth A. Willis

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